

ORDINANCE NO. 3855

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTIONS 17-26 AND 17-27 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) REGARDING THE ESTABLISHMENT, COMPOSITION, APPOINTMENT, COMPENSATION AND TERM OF OFFICE OF MEMBERS OF THE PLANNING AND ZONING COMMISSION IN ORDER TO CORRECT REFERENCES TO THE ANNOTATED CODE OF MARYLAND, CLARIFY THE ROLE OF MEMBERS, PROVIDE FOR AN ALTERNATE MEMBER, INCLUDE A RESIDENCY REQUIREMENT FOR MEMBERS, AND INCORPORATE STATE STATUTORILY MANDATED PROVISIONS REGARDING THE REMOVAL OF MEMBERS."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 17-26 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted with amendments, to read as follows:

Sec. 17-26. - Established; composition; appointment of members.

- (a) *Establishment.* In accordance with Title 2, Subtitle 1 of the Land Use Article of the Annotated Code of Maryland, there is hereby established a planning and zoning commission.
- (b) *Membership.* The planning and zoning commission shall consist of five (5) members who shall be appointed by the city council. The city council may also appoint an alternate member who shall sit on the said commission in the absence of a member. In addition, one (1) city councilperson shall serve as an ex-officio, non-voting, member of the said commission.

SECTION 2: AND BE IT FURTHER ORDAINED, that section 17-27 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted with amendments, to read as follows:

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Sec. 17-27. - Compensation of members; term of office; removal of members.

- (a) *Compensation.* Each of the members of the planning and zoning commission shall serve as such without compensation.
- (b) *Term of office.* The term of the ex-officio member shall be the term of that individual's tenure on the city council. tenure on the council. The term of each of the other members shall be five (5) years, or until the member's successor takes office.
- (c) *Removal of Members.* The Council may remove a member for:
 - (i) incompetence;
 - (ii) misconduct;
 - (iii) failure to attend 50% of the meetings during any consecutive six (6) month period; or
 - (iv) once the appeal period has expired, the conviction or entry of a plea of nolo contendere as to any crime that is a felony or is a misdemeanor related to the member's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution. The members duties on the commission shall be suspended until such time as the charges are resolved.

The city council shall provide the member with a written statement of charges setting forth the grounds for removal. The member shall be entitled to a public hearing to contest the charges. The request must be made within thirty (30) days of the date of the statement of charges.

(NOTE: Redlined versions of the City Code sections being amended are attached hereto as Exhibit A. State law references for these sections of the City Code are Md. Land Use Code Ann. § 2-102 and Md. State Gov. Code Ann. §§ 8-501 and 8-502.)

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this 4th day of June, 2019.


Raymond M. Morriss, Mayor

ATTEST:


Marjorie E. Woodring, City Clerk

1st reading: May 21, 2019
2nd reading: June 4, 2019
3rd reading: June 4, 2019
Passed: 4-0

EXHIBIT A

Sec. 17-26. - Established; composition; appointment of members.

- (a) Establishment. Pursuant to the requirements of Ann. Code of Md. art. 66B In accordance with Title 2, Subtitle 1 of the Land Use Article of the Annotated Code of Maryland, there is hereby established a planning and zoning commission.
- (b) Membership. The planning and zoning commission shall consist of five (5) members who shall be appointed by the ~~mayer and~~ city council. The city council may also appoint an alternate member who shall sit on the said commission in the absence of a member. In addition, one (1) city council ~~person member~~ shall serve as an ex-officio, non-voting, member of the ~~planning and zoning commission, said commission.~~

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